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Attorney for Defendant
TROY URIE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TROY URIE,

Defendant.

No. 2:03-cr-0534 KJM

STIPULATION AND ORDER
CONTINUING BRIEFING
SCHEDULE; EXCLUSION OF TIME

Date: March 31, 2011

Time: 10:00 a.m.

Judge: Honorable Kimberly J. Mueller

The United States of America, through Assistant U.S. Attorney Heiko Coppola, and defendant Troy Urie, through his counsel Scott L. Tedmon, hereby stipulate and agree as follows:

1. On December 20, 2010, defendant Urie filed a motion regarding sentencing collateral estoppel. Prior to the filing of the motion, United States District Court Judge Frank C. Damrell, Jr. excluded time under the Speedy Trial Act through February 22, 2011, which was the date set for hearing on the motion, under 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], complex case and counsel's need for time to prepare. Since the filing of the motion, this case has been reassigned to United States District Court Judge Kimberly J. Mueller. The hearing on defendant Urie's sentencing collateral estoppel motion is currently set for Thursday, March 31, 2011 at 10:00 a.m. before Judge Mueller.

2. This case is complex in that the Indictment charges facts which involve multiple jurisdictions, some located across the United States. Additionally, there are legal issues involving

1 alleged conduct in other federal jurisdictions which involve ongoing litigation. Specifically, the
2 facts presented by the government in Mr. Urie's Northern District conviction included conduct
3 charged in this case, raising the issue of double jeopardy and collateral estoppel. This issue is
4 currently being litigated in the Ninth Circuit.

5 3. On December 20, 2010, defendant Urie filed a motion with respect to the issue of
6 collateral estoppel regarding sentencing and the government has not filed their response. Taking
7 into account the nature of the issue raised by defendant Urie, along with government counsel's trial
8 schedule, the government needs additional time to prepare their response to defendant Urie's motion.
9 As such, the parties have agreed on the following amended briefing schedule:

10 Government response is due on or before Thursday, April 7, 2011.

11 Defense reply is due on or before Thursday, April 21, 2011.

12 Non-evidentiary hearing on motion: Thursday, May 5, 2011 at 10:00 a.m.

13 In addition to this legal issue, the defense continues to conduct their investigation and review
14 of the case, and is currently proceeding in the Ninth Circuit on an interlocutory appeal on a separate
15 issue. Based on these factors, the parties stipulate that the Court's finding of complexity and
16 counsel's need for time to prepare pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii) and (iv) is appropriate.

17 4. The parties stipulate and agree this Court should find that time be excluded under the
18 Speedy Trial Act, pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], and
19 that the ends of justice therefore outweigh the best interest of the public in a speedy trial.

20 5. Accordingly, it is hereby stipulated and the parties agree that time be excluded from
21 March 31, 2011 through May 5, 2011 under the Speedy Trial Act pursuant to 18 U.S.C.
22 §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], in that this case is complex, counsel for the
23 parties need time to prepare, and that the ends of justice outweigh the best interest of the public in
24 a speedy trial.

25 6. Additionally, the parties stipulate and agree that time should also be excluded under 18
26 U.S.C. § 3161(h)(1)(D) [Local Code E] for delay related to the filing of pretrial motions, from the
27 filing of the motion on December 20, 2010 through the conclusion of the hearing on May 5, 2011.
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1 7. Courtroom Deputy Clerk Casey Schultz has confirmed the Court is available for the
2 requested hearing date of May 5, 2011.

3 8. Scott L. Tedmon has been authorized by the government's counsel to sign this stipulation
4 on his behalf.

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6 **IT IS SO STIPULATED.**

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8 DATED: March 10, 2011

BENJAMIN B. WAGNER
United States Attorney

9
10 /s/ Heiko Coppola
HEIKO COPPOLA
Assistant United States Attorney

11
12 DATED: March 10, 2011

LAW OFFICES OF SCOTT L. TEDMON

13
14 /s/ Scott L. Tedmon
SCOTT L. TEDMON
Attorney for Defendant Troy Urie
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ORDER

GOOD CAUSE APPEARING and based upon the above stipulation, the Court adopts the amended briefing schedule on the issue of sentencing collateral estoppel. Accordingly,

IT IS ORDERED:

Government response is due on or before Thursday, April 7, 2011.

Defense reply due on or before Thursday, April 21, 2011.


Non-evidentiary hearing on motion: Thursday, May 5, 2011 at 10:00 a.m.

IT IS FURTHER ORDERED by this Court that pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], time is excluded from the time computations required by the Speedy Trial Act through May 5, 2011, in that this case is complex, that counsel needs additional time to prepare, and that the ends of justice therefore outweigh the best interest of the public in a speedy trial.

IT IS FURTHER ORDERED by this Court that pursuant to 18 U.S.C. § 3161(h)(1)(D) [Local Code E] time is excluded from the time computations required by the Speedy Trial Act based upon delay resulting from the filing of defendant Urie's pending pretrial motion, from the filing date of the motion on December 20, 2010 through the conclusion of the hearing on May 5, 2011.

IT IS SO ORDERED.

DATED: March 15, 2011.


UNITED STATES DISTRICT JUDGE